



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
NAYESKA BERMUDEZ, L.P.N.	:	
License # 26NP05820500	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Nyeska Bermudez ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On May 8, 2014, Respondent was arrested by members of the Clifton Police Department for two counts of violating N.J.S.A. 2C:20-3A (Theft of Movable Property)<sup>1</sup>. The Board sent a

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<sup>1</sup> It is alleged that the moveable property was a 9MM handgun.

letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing employment, and continuing education to Respondent's address in Little Ferry, New Jersey, via regular and certified mail on or about May 24, 2014. The certified mail was returned with a post office notation "moved left no address, unable to forward." Respondent failed to reply.

3. On or about May 30, 2014, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 - May 31, 2014. Respondent answered "yes" and certified that answer by submitting the online application.

4. When Respondent renewed her license, she also updated her address. On July 10, 2014, the Board re-sent the letter of inquiry to Respondent's new address in Clifton, via regular and certified mail. The regular mail was not returned. The certified mail was returned as "unclaimed."

5. Respondent partially replied and provided information about her nursing employment, a list of 20.5 hours of continuing education completed within the June 1, 2012 - May 31, 2014 biennial period, and a letter indicating that the criminal

matter was scheduled for a hearing on July 31, 2014. Respondent indicated she would provide the Board with more information as she obtained it. The Board received no further response. Respondent failed to provide the police report with supporting statements, municipal court complaint, accusation, indictment, plea agreement, disposition, sentencing, proof of completion of sentencing, payment of fines/costs/fees, narrative statement of of the conduct that led to her arrest, and actual certificates of completion for continuing education.

#### CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the 30 hours of continuing education credits required for renewal during the biennial period of June 1, 2012 - May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on September 8, 2015, provisionally suspending respondent's nursing license and imposing a reprimand and a \$250 civil penalty. A copy of the Order was served upon the respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting

any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, and sent in all the information originally requested by the Board's initial letter of inquiry. She also sent in documentation of completion of 36.8 contact hours of continuing education, all of which was completed in 2015. The Board determined that suspension was no longer applicable, as respondent had sent in all the documents and information she had been asked for, and had cured her continuing education deficiency for the 2012-2014 licensing cycle. However, respondent had clearly failed to timely complete continuing education requirements for the 2012-2014 licensing cycle, and her indication on her 2014 renewal application that all required continuing education for the 2012-2014 licensing cycle would be completed by May 31, 2014 was clearly inaccurate. Accordingly the Board determined that the reprimand for misrepresentation on the renewal application, and the \$250 civil penalty for the violation of N.J.A.C. 13:37-5.3 should be imposed upon finalization of the Provisional Order.

ACCORDINGLY, IT IS on this 9<sup>th</sup> day of December, 2015,

ORDERED that:

1. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

2. Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Leslie Burgos, Board Staff, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education hours taken currently and applied to cure the deficiency from the previous biennial period shall not be used to satisfy the requirements of the 2014-2016 licensing cycle. Therefore, respondent must complete an additional 2.7 contact hours of qualifying continuing education

by the time she is required to satisfy requirements for the 2014-2016 licensing cycle.

4. The Board reserves the right to initiate further disciplinary proceedings based upon the information to be provided by Respondent, any conviction or finding of guilt, or upon any new information obtained.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN  
Patricia Murphy, PhD, APN  
Board President